IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
**THE HON'BLE MR JUSTICE V.V.S.RAO**

**WRIT PETITION NO : 6568 of 1994**

Between:

1. Bikkina Subbarayudu, s/o. Veerabhadrarao, Hindu, 48 years, Cultivation, R/o. Tatipaka Razole Mandal, E.G.District.
2. Bikkina Veera Venkata Ramesh, s/o. Subbarayudu, Hindu, 20 years, Cultivation Tatipaka, Razole Mandal.
3. Smt. Arumilli Ramalakshmi, w/o. Suryanarayana, 40 years, Doddipatla, Yelamanchili Mandal, W.G.District.
4. Geddada Varalakshmi, w/o. Satyanarayanamurthy, Hindu, 35 years, Cultivation, Vadrevupalli, P.Gannavaram Mandal, E.G.District.
5. Kasukurthi Ayyaparaju, s/o. Ramanna, Hindu, 50 years, Cultivation, Sivakodupalem, Razole Mandal, E.G.District.

**..... PETITIONERS**

AND

1. Land Acquisition Officer & Revenue Divisional Officer, Amalapuram, E.G.District.
2. District Collector, East Godavari District at Kakinada.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or any appropriate writ more particularly in nature of writ of mandamus declaring the action of the respondents in issuing 4(1) Notification and Declaration under section 6, dated 17-9-1990 and 5-3-1994 respectively in respect of Sy.Nos.5/1, 6/1, 6/2, 8/1 and 9/1 to an extent of Acs.7.90 situated at Tatipaka village, Razole Mandal, East Godavari District, as illegal, null and void and opposed to the principles of natural justice and for a consequential order directing the respondents to drop all further proceedings in this regard.

**For the Petitioner:MR.CH.DHANAMJAYA**

**For the Respondent No.: GP FOR LAND ACQUISITION**

**The Court Made the Following :**

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**O R D E R :**

The notification issued under Section 4(1) of the Land Acquisition Act, 1984 (for brevity 'the Act') dated 17-9-1990 is impeached in this writ petition. Initially the same was challenged in W.P.No.13841 of 1990. A Division Bench of this Court, by order dated 23-9-1993 without expressing any opinion on the merits of the case, directed the respondents to conduct enquiry under Section 5-A of the Act. It is now brought to my notice that Section 5-A enquiry was conducted and a fresh declaration was issued under Section 6(1) of the Act on 5-3-1994.

It is contended that the Award was not passed within two years as required under Section 11-A of the Act. Therefore, it must be held that much time has elapsed in passing the Award. The learned Government Pleader for Land Acquisition, Mr. Yousufuddin, does not dispute the fact that the Award was not passed as required under law.

In that view of the matter, the writ petition is allowed. It is, however, open to the respondents to initiate fresh land acquisition proceedings, if the land is required for any public purpose. No costs.

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(V.V.S. RAO, J.)

Dt.06-07-2004.
Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1. Land Acquisition Officer & Revenue Divisional Officer,
   Amalapuram, E.G.District.
2. District Collector, East Godavari District at Kakinada.
3.2CCs to G.P. for Land Acquisition, High Court of A.P., Hyderabad.
4.2CD copies

**HON'BLE SRI JUSTICE V.V.S. RAO**

**WRIT PETITION No.6568 of 1994**

**Dt.06-07-2004.**
**(Msr)**